

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGEL RIVERA,

Plaintiff,

-against-

CITY OF NEW YORK; NEW YORK CITY
POLICE DEPARTMENT (“NYPD”); OFFICE OF
THE SPECIAL NARCOTICS PROSECUTOR
FOR THE CITY OF NEW YORK; ASSISTANT
DISTRICT ATTORNEY KATHERINE GORA;
SUPERVISING ASSISTANT DISTRICT
ATTORNEY LISA DE PASQUALE; NYPD
DETECTIVE LEANDRO CASTRO, Shield No.
02345; NYPD DETECTIVE ALVIN
ROUNTREE, Shield No. 6143; NYPD
LIEUTENANT CHRISTOPHER FASANO;
NYPD DETECTIVE DORIS LOPEZ, Shield No.
10038; NYPD SERGEANT DOMINICK
DESIERVI, Shield No. 03672; NYPD CAPTAIN
GEORGE PIETROPINTO; NYPD SERGEANT
HIRAM NIEVES, Shield No. 02446; NYPD
DETECTIVE WILLIAM MARTIN, Shield No.
04854; NYPD DETECTIVE (retired) EMILIO
BERMONTY, Shield No. 07933; NYPD
DETECTIVE JOSEPH TOWNSEND, Shield No.
05433; NYPD DETECTIVE “FNU” [First Name
Unknown] MACDONALD; NYPD DETECTIVE
BIAGIO SANTANGELO, Shield No. 07734;
NYPD DETECTIVE (retired) ERIC CHAN, Shield
No. 00090; NYPD DETECTIVE NELSON
PINELA, Shield No. 04915; NYPD DETECTIVE
BRIAN O’KEEFE, Shield No. 04914; UNITED
STATES HOMELAND SECURITY AGENT
MIKE YUN; UNITED STATES HOMELAND
SECURITY AGENT ROBERT DUNN; JOHN
DOES; and RICHARD ROES,

Defendants.

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JUDGMENT PURSUANT
TO RULE 68

19 Civ. 6391 (ER) (JLC)

WHEREAS, plaintiff commenced this action by filing a complaint on July 10, 2019, and filed an Amended Complaint on August 14, 2020, alleging that defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, on November 9, 2020, pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants offered to allow plaintiff to take judgment against the City of New York; and

WHEREAS, on November 9, 2020, plaintiff accepted defendants' Rule 68 Offer of Judgment;

NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, plaintiff will take judgment against defendant City of New York in this action for the sum of Ten Thousand and One Dollars (\$10,001.00), plus reasonable attorneys' fees, expenses and costs to the date of the offer for plaintiff's federal claims.

2. This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

3. This judgment shall not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor it is an admission that plaintiff has suffered any damages.

4. In accepting defendants' offer of judgment, plaintiff releases and discharges defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

5. By accepting the offer of judgment, plaintiff waived plaintiff's rights to any claim for interest on the amount of the judgment.

6. By accepting the offer of judgment, plaintiff agreed that the aforesaid payment of Ten Thousand and One Dollars (\$10,001.00) to plaintiff within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date a Medicare recipient plaintiff submits to Counsel for Defendants a final demand letter from Medicare.

7. By acceptance of this Rule 68 Offer of Judgment, plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as a secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any

past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: New York, New York

January 13, 2021

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

HON. EDGARDO RAMOS, U.S.D.J